

R430-50-7. PERSONNEL AND TRAINING REQUIREMENTS.

This section provides an overview of the personnel and training requirements for those individuals involved with a child care facility.

Rationale/Explanation

Licensing rules require that individuals who work or associate with a child care program (including employees, volunteers, parents, household members, guests, etc.) have at least basic qualifications to do so. Individuals who are qualified and trained are more likely to have appropriate interactions with the children they associate with. Education is an ongoing, lifelong process and child care staff need continuous education about health and safety related subject matter. Staff members who are current on health related topics are better able to prevent, recognize, and correct health and safety problems. CFOC 4th ed. Guiding Principle 17. p. xx.

The National Association for the Education of Young Children's (NAEYC) recommends a multilevel training program that addresses both preservice and ongoing training for administrators and staff. CFOC 4th ed. Standard 1.3.2.1 p.p. 12.

Preservice Training

Any individual who is newly employed by the program is required to receive preservice training.

Preservice training consists of at least 2.5 hours of training and must be:

- Completed before (but not earlier than 6 months before) beginning job duties, or
- Completed no later than 10 working days after beginning job duties as long as the individual does not have unsupervised contact with any child in care before their preservice training is completed.

Annual Child Care Training

Individuals who are required to have annual child care training include:

- All regular employees who care for children regardless of the number of hours worked each week. This includes employees who have dual roles such as a driver who cares for the children when not driving.

Employees and volunteers who never have caregiving duties (i.e., they are not responsible for meeting the needs of the children, including protection and supervision), such as cooks, secretaries,

receptionists, bookkeepers, custodians, drivers, and maintenance workers, do not need to complete annual training.

Annual child care training hours are calculated from the license start date through the license end date. To be in compliance:

- Caregivers must complete at least 10 hours of child care training each license year.
- The provider must ensure that each individual's required annual child care training is complete before the license expiration date. A child care license will not be renewed until training hours have been completed for all individuals as required by rule.

(1) The provider shall be present at the home at least 50% of the time each week the program is open for business.

Compliance Guidelines

This rule does not prevent the provider from taking a vacation or leave as long as a qualified caregiver is present to meet the provider's responsibilities.

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning when:

The provider is not present 50% of the time each week that a child is in care.

(2) If the provider is not present, the provider shall ensure that there is at least one covered individual who is 18 years old or older present at the facility when there is a child in care.

Compliance Guidelines

- The provider or a caregiver who is at least 18 years old must be on the premises, in each vehicle, and at each offsite activity whenever there is a child in care.
- A 16- or 17-year-old caregiver may have unsupervised contact with children in care while they are at the facility as long as there is a caregiver who is at least 18 years old on the premises. They may not be alone with the children during transportation and offsite activities.

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning when:

The provider or a caregiver who is at least 18 years old is not present when a child is in care.

- (3) The provider shall ensure that all employees and volunteers are supervised, qualified, and trained to:
- (a) meet the needs of the children as required by rule, and
 - (b) be in compliance with licensing rules.

Rationale/Explanation

In both large and small family child care homes, staff members must have the education and experience to meet the needs of the children in care. CFOC 4th ed. Standard 1.3.3.1 p.p. 20.

- (4) The provider shall ensure that caregivers:
- (a) are at least 16 years old;
 - (b) pass a CCL background check;
 - (c) receive at least 2-1/2 hours of preservice training before caring for children;
 - (d) know and follow any applicable laws and rules;
 - (e) complete at least 10 hours of child care training each year, based on the facility's license date, or at least 45 minutes of child care training each month they work if hired partway through the facility's licensing year; and
 - (f) do not have unsupervised contact with any child in care, including during offsite activities and transportation, if the caregivers are younger than 18 years old.

Rationale/Explanation

Many children attend child care programs every day. It is critical that they have the opportunity to grow and learn in a healthy and safe environment with caring and professional caregivers. The amount of education and child care experience impacts a caregiver's ability to respond appropriately to the needs of children. CFOC 4th ed. Standard 1.3.2.3 p.p. 14.

Compliance Guidelines

- Individuals who are younger than 16 years old are not approved to be caregivers.
 - It is a lack of supervision if a child is left in the care of an individual younger than 16 years old.
- Each caregiver must pass a background check according to the rules found in "[Section 8: Background Checks.](#)"
- Records must verify that each caregiver completed preservice and annual child care training as required by rule.
 - Any regular employee who cares for children (regardless of the number of hours) is required to have annual child care training.
- If a staff member changes from a position that does not require annual training to a position that does, the total number of required training hours will be counted from the start date of their new position.

- When an individual is on approved leave of absence for more than one month, such as maternity leave, 45 minutes for every full month of absence can be deducted from the total required annual training hours. The table below may be used in calculating the required number of annual child care training hours for a new employee. (This is in addition to the required 2.5 hours of preservice training.) In the first column, find the month that the employee started work at the facility. Move horizontally across that row to the month that the provider's child care license expires. For example, if an employee began work in May and the provider's license expires in October, the new employee would need 3 hours and 45 minutes of training before the end of October.

Annual Training Time Required for Employees Hired Partway Through Licensing Year Month Child Care License Ends

Month Person Started	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Jan	0	45min	1.5 hr	2.25 hr	3 hr	3.75 hr	4.5 hr	5.25 hr	6 hr	6.75 hr	7.5 hr	8.25 hr
Feb	8.25 hr	0	45min	1.5 hr	2.25 hr	3 hr	3.75 hr	4.5 hr	5.25 hr	6 hr	6.75 hr	7.5 hr
March	7.5 hr	8.25 hr	0	45min	1.5 hr	2.25 hr	3 hr	3.75 hr	4.5 hr	5.25 h	6 hrr	6.75 hr
April	6.75 hr	7.5 hr	8.25 hr	0	45min	1.5 hr	2.25 hr	3 hr	3.75 hr	4.5 hr	5.25 h	6 hr
May	6 hr	6.75 hr	7.5 hr	8.25 hr	0	45min	1.5 hr	2.25 hr	3 hr	3.75 hr	4.5 hr	5.25 h
June	5.25 h	6 hr	6.75 hr	7.5 hr	8.25 hr	0	45min	1.5 hr	2.25 hr	3 hr	3.75 hr	4.5 hr
July	4.5 hr	5.25 hr	6 hr	6.75 hr	7.5 hr	8.25 hr	0	45min	1.5 hr	2.25 hr	3 hr	3.75 hr
Aug	3.75 hr	4.5 hr	5.25 h	6 hr	6.75 hr	7.5 hr	8.25 hr	0	45min	1.5 hr	2.25 hr	3 hr
Sept	3 hr	3.75 hr	4.5 hr	5.25 h	6 hr	6.75 hr	7.5 hr	8.25 hr	0	45min	1.5 hr	2.25 hr
Oct	2.25 hr	3 hr	3.75 hr	4.5 hr	5.25 h	6 hr	6.75 hr	7.5 hr	8.25 hr	0	45min	1.5 hr
Nov	1.5 hr	2.25 hr	3 hr	3.75 hr	4.5 hr	5.25 hr	6 hr	6.75 hr	7.5 hr	8.25 hr	0	45min
Dec	45min	1.5 hr	4.5 hr	3 hr	3.75 hr	4.5 hr	5.25 h	6 hr	6.75 hr	7.5 hr	8.25 hr	0

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning when a caregiver:

- Did not receive 2-1/2 hours of preservice training.
- Had unsupervised contact with a child in care before completing preservice training.

- Did not complete the required annual child care training hours by the license expiration date.

Risk Level

Low

Corrective Action for 1st Instance

Warning when a caregiver:

Received preservice training, but it was earlier than 6 months before or later than 10 days after beginning job duties.

- (5) The provider shall ensure that any other employees such as drivers, cooks, and clerks:
- (a) pass a CCL background check;
 - (b) receive at least 2-1/2 hours of preservice training before beginning job duties;
 - (c) know and follow all applicable laws and rules, and
 - (d) do not have unsupervised contact with any child in care, including during offsite activities and transportation, if the employee is younger than 18 years old.

Rationale/Explanation

The purpose of this rule is to ensure that the interaction between all employees and children is appropriate and in accordance with licensing rules. CFOC 4th ed. Guiding Principle 4. p.p. xix.

Compliance Guidelines

- Each employee must pass a background check according to the rules found in “Section 8: Background Checks.”
- Personnel records must verify that each employee completed preservice training according to rule.
- Any employee who cares for children (regardless of their other job duties) must be at least 16 years old and receive annual child care training.
- If a covered individual takes on caregiving responsibilities and tasks, they become a caregiver.

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning when an employee:

- Did not receive 2-1/2 hours of preservice training.
- Had unsupervised contact with a child in care before completing preservice training.

Risk Level

Low

Corrective Action for 1st Instance

Warning when an employee:

Received preservice training, but it was earlier than 6 months before or later than 10 days after beginning job duties.

(6) The provider shall ensure volunteers:

- (a) pass a CCL background check; and**
- (b) do not have unsupervised contact with any child in care, including during offsite activities and transportation, if the volunteer is younger than 18 years old.**

Compliance Guidelines

- Each individual who volunteers at the child care facility at any time a child is in care (except the parent of an enrolled child) is required to have a background check in accordance with rules in “Section 8: Background Checks.”
- If an individual volunteers only when there are no children in care, for example, they only volunteer after child care hours, they will not be required to have a background check.
- Licensing statute defines child care as care for children through age 12 years and for children with disabilities through age 18 years. Thirteen- to fifteen-year-olds are not considered children in care. If they help care for younger children (and are not paid), they are considered volunteers and must meet the requirements of a volunteer.

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning

(7) The provider shall ensure that guests do not have unsupervised contact with any child in care, including during offsite activities and transportation.

Compliance Guidelines

A guest may not be alone in a room or area with any child in care. A caregiver or other employee who is at least 18 years old and has passed a CCL background check must be in the same room or area.

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning when:

A guest has unsupervised contact with a child in care.

(8) The provider shall submit a background check as required in Section R430-50-8 for each guest who is 12 years old and older and stays in the home for more than two weeks.

- (9) The provider shall ensure that parents of children in care do not have unsupervised contact with any child in care, except with their own children.

Compliance Guidelines

If a parent is employed at the child care facility, they must have a background check and meet other personnel requirements as stated in rule.

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning

- (10) The provider shall ensure that household members who are:
- (a) 12 to 17 years old pass a CCL background check and do not have unsupervised contact with any child in care, including during offsite activities and transportation; and
 - (b) 18 years old or older pass a CCL background check that includes fingerprints.

Compliance Guidelines

- Each household member who is 12 years old or older must pass a background check according to the rules found in “Section 8: Background Checks.”
- A household member who is younger than 18 years old may not be alone with any child in care in the facility, during transportation, or during offsite activities. A caregiver or other adult who is at least 18 years old and has passed a CCL background check must be on the premises.

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning

- (11) The provider shall ensure that individuals who provide Individualized Educational Plan (IEP) or Individualized Family Service plan (IFSP) services such as physical, occupational, or speech therapists:
- (a) provide proper identification before having access to the facility or to a child at the facility; and
 - (b) have received the child's parent's permission for services to take place at the facility.

Compliance Guidelines

- If the parent of a child with an IEP (Individualized Education Program) or an IFSP (Individualized Family Service Plan) has an agreement with a school or other agency for their child to receive services at the child care facility, the individual providing the services is not required to have a CCL background check.
- With proper authorization and identification, the child may be left alone with the individual providing IEP or IFSP services.
- While services are being offered, the child will be considered the responsibility of the school or other agency.

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning

- (12) The provider shall ensure that individuals from law enforcement, Child Protective Services, the department, and any similar entities provide proper identification before having access to the facility or to a child at the facility.

Compliance Guidelines

With proper identification, a child may be left alone with a law enforcement officer or a caseworker from Child Protective Services (CPS).

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning

- (13) The provider shall ensure that preservice training includes at least the following topics:
- (a) job description and duties;
 - (b) current department rule Sections R430-50-7 through R430-50-24;
 - (c) disaster preparedness, response, and recovery;
 - (d) pediatric first aid and cardio pulmonary resuscitation (CPR);
 - (e) children with special needs;
 - (f) safe handling and disposal of hazardous materials;
 - (g) prevention, signs and symptoms of child abuse and neglect, including child sexual abuse, and legal reporting requirements;
 - (h) principles of child growth and development, including brain development;
 - (i) prevention of shaken baby syndrome and abusive head trauma, and coping with crying babies;

- (j) prevention of sudden infant death syndrome (SIDS) and the use of safe sleeping practices;
- (k) recognizing the signs of homelessness and available assistance;
- (l) a review of the information in each child's health assessment in the caregiver's assigned group including allergies, food sensitivities, and other special needs; and
- (m) an introduction and orientation to the children in care.

Rationale/Explanation

Orientation ensures that all staff members receive specific and basic training for the work they will be doing and are informed about their new responsibilities. Training ensures that staff members are challenged and stimulated, have access to current knowledge, and have access to education that will qualify them for new roles. CFOC 4th ed. Standard 1.4.2.1 p.p. 23.

Compliance Guidelines

- Preservice records must confirm that all individuals who are new to the child care program have received preservice training in all of the required areas.
- Pediatric first aid and cardio pulmonary resuscitation (CPR) training does not have to include certification.
- The provider may use their own method of documenting each person's preservice training as long as the requirements of this rule are met.
- An optional technical assistance form to document preservice training is available under ["Forms and Documents."](#)

Risk Level

Low

Corrective Action for 1st Instance

Warning

- (14) The provider shall ensure that annual child care training includes at least the following topics:
- (a) current department rule Sections R430-50-7 through R430-50-24;
 - (b) disaster preparedness, response, and recovery
 - (c) pediatric first aid and CPR;
 - (d) children with special needs;
 - (e) safe handling and disposal of hazardous materials;
 - (f) the prevention, signs and symptoms of child abuse and neglect, including child sexual abuse, and legal reporting requirements;
 - (g) principles of child growth and development, including brain development;
 - (h) prevention of shaken baby syndrome and abusive head trauma, and coping with crying babies;

- (i) prevention of sudden infant death syndrome (SIDS) and use of safe sleeping practices; and
- (j) recognizing the signs of homelessness and available assistance.

Rationale/Explanation

Because of the nature of their caregiving/teaching tasks, caregivers/teachers must attain multifaceted knowledge and skills. Child health and employee health are integral to any education/training curriculum and program management plan. CFOC 4th ed. Standards 1.4.4.1 p.p. 28.

Compliance Guidelines

- Annual training must include a review of each licensing rule in sections 50-7 through 50-24 and not just the general category of the rule section.
- Training records must verify that each individual received training on the topics listed in this rule as well as licensing rules.
 - An optional technical assistance form to record each individual's annual training can be found under "[Forms and Documents](#)".
- Complete training records must be available for review at the annual Announced Inspection or submitted to CCL by the license expiration date.
 - To submit the documentation, the provider may mail, fax, or email it to CCL, or upload it on the provider's Child Care Licensing portal.
- Pediatric first aid and cardiopulmonary resuscitation (CPR) training can include full certification, but does not have to include certification.
- Individuals who are hired within 60 calendar days before the license expires must complete the prorated number of training hours, but their review of all of the training topics is not required until the provider's next license year.

Risk Level

Low

Corrective Action for 1st Instance

Warning

- (15) The provider shall ensure that at least half of the required annual training is interactive.

Compliance Guidelines

Examples of approved interactive training include:

- Training offered by CCL on licensing rules
- All classes offered by [Care About Childcare](#)
- Classes and workshops at child care, early childhood, and parenting conferences
- Real-time, interactive webinars dealing with child care

- Online instruction that requires completing a test for understanding
- Any high school or college class in child development or related subject (Hours of attendance count as clock time if the student attends in person as opposed to working online or independent study. One semester credit equals 15 clock hours and one quarter credit equals 10 clock hours.)
- Attendance at a CCL Committee meeting
- Training by a child care association, if the certificate has “child care related” in the topic

Examples of independent, or non interactive training include:

- Researching and planning curriculum (but not the time spent preparing materials such as making copies and presenting curriculum to the children)
- Watching recordings of webinars on topics relating to child care
- Reading books and watching videos related to child care
- Doing homework for a high school or college child development class
- Using training packets or watching recordings offered by Care About Child Care
- Listening to the audio recording of the Residential Advisory Committee Meeting

Anyone may deliver interactive training including child care providers and staff. When this is the case:

- The individual delivering the training can count it as independent or non interactive training.
- The individual being trained can count it as interactive instruction.

The following topics and classes do not count toward annual child care training:

- Self-help classes such as anger or stress management
- Time spent doing yoga or meditating
- Technical assistance from CCL staff
- ESL and other language classes
- Craft classes, such as origami, scrapbooking, sewing, etc.
- Attendance at a child’s classes or lessons, such as music or dance lessons
- Watching reality TV and talk shows
- Preparing (making copies, cutting, etc.) and presenting curriculum to children
- Volunteering in a classroom
- Obtaining and submitting fingerprints to CCL
- DWS policy-related webinars

Additional guidelines:

- Annual training for all individuals as required in rule must be completed by the end of the licensing year.
- For training to be considered complete, each person must have received training on the required rules and topics, and for the required number of hours.

- If training is not complete for all required individuals at the time of the annual Announced Inspection, the provider may (before their license expires):
 - Upload the documentation to the provider's Child Care Licensing portal, or
 - Mail, fax, or e-mail the documentation to CCL.

Risk Level

Low

Corrective Action for 1st Instance

Warning

- (16) When there are children at the facility, the provider shall ensure that there is at least one covered individual present who can demonstrate English literacy skills needed to care for children and respond to emergencies.**

Rationale/Explanation

Caregivers need at least basic English literacy skills in order to perform essential functions in protecting children's health and safety, such as reading warning labels on chemicals, instructions on medications and medication authorization forms, emergency information on child enrollment forms, information on a child's health assessment, and instructions on a fire extinguisher.

Compliance Guidelines

- This rule will be considered out of compliance if a child's health or safety has been jeopardized due to a violation of this rule, and
- There is no other licensing rule that specifically addresses the situation

Corrective Action for 1st Instance

The corrective action will be based on the severity of harm that was caused or likely to be caused as a result of a rule violation.

- (17) The provider shall ensure that at least one covered individual with a current Red Cross, American Heart Association, or equivalent pediatric first aid and CPR certification is present when children are in care:**
- (a) at the facility;**
 - (b) in each vehicle transporting children; and**
 - (c) at each offsite activity.**

Rationale/Explanation

Knowledge of pediatric first aid, including pediatric CPR which addresses management of a blocked airway and rescue breathing, and the confidence to use these skills, are critically important to the outcome of an emergency situation. CFOC 4th ed. Standards 1.4.3.1 p.p. 26.

Compliance Guidelines

The person with a current first-aid certification and the person with a current CPR certification do not have to be the same person.

- CPR training must be Red Cross or American Heart Association certified or be equivalent. A first-aid certification from any source is acceptable.
 - Current certification for RNs, LPNs, or First Responders will be accepted for both CPR and first aid. Due to differences in training courses, a CNA certificate is not an approved CPR certification.
- CPR certification must include pediatric CPR training.
 - Training that includes basic life support (BLS) meets this requirement. (The card or certificate may not have the words “pediatric” or “infant and child” written on them.)
 - Although child CPR training is required, training on infant CPR is optional if the provider does not enroll infants or toddlers.
- The CPR and first aid certification must be current.
 - The expiration date on the first-aid and CPR card determines whether the certification is current.
 - When there is no expiration date on the card, and the issue date is less than a year old, the certification is considered current.
 - When the expiration date on the card has been added or altered, the trainer will need to verify that the certification is current.

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning

(18) The provider shall ensure that CPR certification includes hands-on testing.

Rationale/Explanation

Pediatric CPR skills should be taught by demonstration and practice to ensure the technique can be performed in an emergency. CFOC 4th ed. Standard 1.4.3.1 p.p. 24

Compliance Guidelines

Online CPR training does not meet the requirement of this rule, unless there is a hands-on training component in addition to the online part of the training.

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning

- (19) The provider shall ensure that current pediatric first aid and CPR certification records for each covered individual required by this rule to have them are kept on-site for review by the department.

Rationale/Explanation

Documentation of current certification of satisfactory completion of pediatric first aid and demonstration of pediatric CPR skills in the facility assists in implementing and in monitoring for proof of compliance. CFOC 4th ed. Standard 1.4.3.1 p.p. 26.

Risk Level

Low

Corrective Action for 1st Instance

Warning